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Security Council

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Provisional

5917th meeting

Friday, 20 June 2008, 10 a.m.

New York

President:	Mr. Khalilzad	(United States of America)
Members:	Belgium	Mr. Grauls
	Burkina Faso	Mr. Kafando
	China	Mr. La Yifan
	Costa Rica	Mr. Weisleder
	Croatia	Mr. Jurica
	France	Mr. Ripert
	Indonesia	Mr. Natalegawa
	Italy	Mr. Spatafora
	Libyan Arab Jamahiriya	Mr. Ettalhi
	Panama	Mr. Arias
	Russian Federation	Mr. Churkin
	South Africa	Mr. Kumalo
	United Kingdom of Great Britain and Northern Ireland	Sir John Sawers
	Viet Nam	Mr. Le Luong Minh

Agenda

Security Council resolutions 1160 (1998), 1199 (1998), 1203 (1998), 1239 (1999) and 1244 (1999)

Report of the Secretary-General on the United Nations Interim Administration Mission in Kosovo (S/2008/354)

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08-39202 (E)

The meeting was called to order at 10.10 a.m.

Adoption of the agenda

The agenda was adopted.

Security Council resolutions 1160 (1998), 1199 (1998), 1203 (1998), 1239 (1999) and 1244 (1999)

Report of the Secretary-General on the United Nations Interim Administration Mission in Kosovo (S/2008/354)

The President: I should like to inform the Council that I have received a letter from the representative of Serbia, in which he requests to be invited to participate in the consideration of the item on the Council's agenda. In conformity with the usual practice, I propose, with the consent of the Council, to invite that representative to participate in the consideration of the item, without the right to vote, in accordance with the relevant provisions of the Charter and rule 37 of the Council's provisional rules of procedure.

There being no objection, it is so decided.

Mr. Boris Tadić, President of the Republic of Serbia, was escorted to a seat at the Council table.

The President: On behalf of the Council, I extend a warm welcome to His Excellency Mr. Boris Tadić, President of the Republic of Serbia.

In accordance with the understanding reached in the Council's prior consultations, I shall take it that the Security Council agrees to extend an invitation under rule 39 of its provisional rules of procedure to His Excellency Mr. Fatmir Sejdiu.

It is so decided.

I invite Mr. Sejdiu to take a seat at the Council table.

The Security Council will now begin its consideration of the item on its agenda. The Council is meeting in response to a letter dated 17 June 2008 from the Permanent Representative of Serbia addressed to the President of the Security Council and contained in document S/2008/401.

Members of the Council have before them document S/2008/354, which contains the report of the Secretary-General on the United Nations Interim Administration Mission in Kosovo.

I welcome the participation of the Secretary-General, His Excellency Mr. Ban Ki-moon, at this meeting and invite him to take the floor.

The Secretary-General: Let me start by thanking the Security Council for this opportunity to present the Council with my assessment of the situation in Kosovo and my idea for the way forward for the United Nations Interim Administration Mission in Kosovo (UNMIK) as the international civil presence in Kosovo.

Before doing so, I would like to welcome the presence here today of His Excellency Mr. Boris Tadić of Serbia and of His Excellency Mr. Fatmir Sejdiu of Kosovo.

The challenge facing us is an enormous one. In almost 40 years of my diplomatic life, I have never encountered an issue as divisive, as delicate and as intractable as the Kosovo issue. Legally, politically and morally, it is a landscape of enormous complexity and sensitivity that requires the exercise of extraordinary objectivity and balance. The declaration of independence in February, the violence at the customs posts and in Mitrovica, the elections organized by the Serbs, the promulgation in Pristina of a new constitution — all of those recent developments, and many before them, have been fiercely contested by the communities and by their supporters abroad, and have profoundly changed the environment in which we are operating.

In coming before the Council today to listen and to seek its guidance, I am very aware that the package I have developed is a humble effort in the light of those new developments to try to find an operational modus vivendi to help move Kosovo a few steps back from the brink of further conflict. To many, it may not be fully satisfying, because it does not completely meet the aspirations of any of the key stakeholders. Indeed, it is not a winner-take-all solution. Nevertheless, personally, after open and transparent consultations with all concerned over the past months, I have come to the view that the package represents the least objectionable way forward. I have presented it to the Council mindful of the need to preserve and safeguard the credibility and effectiveness of the United Nations, in the interest of all of its Members.

If there is any wisdom in this package, I should also thank Council members: I have greatly benefited from my wide-ranging consultations with you and with your ministers in the development of the package. Indeed, I held consultations with every member of the Council, as well as with the parties and other stakeholders, including the leaders present here today. I appreciated their flexibility and admired their leadership. I have drawn richly on their ideas. My Under-Secretary-General for Peacekeeping Operations has also benefited from consultations in both Pristina and Belgrade. This has been further enriched by the daily contacts of my representatives on the ground and by the work of the men and women of UNMIK.

The report (S/2008/354) before the Council sets out the key recent developments in relation to Kosovo. As the Council is aware, following the declaration of independence by Kosovo's representatives, on 17 February of this year, some Member States have recognized Kosovo as a sovereign and independent State, while others have not. The differences within the international community have added to the complexity of this issue. I have taken note of the position of the Republic of Serbia as conveyed to me by President Tadić.

Mindful of the divisions in the international community, the United Nations has taken a position of strict neutrality on the question of Kosovo's status. UNMIK operates within the framework of Security Council resolution 1244 (1999), which is the legal framework for its mandate and which remains in force until the Security Council decides otherwise. As I have indicated to the Council on prior occasions, UNMIK has continued to operate and to implement its mandate in the light of the evolving circumstances, however difficult that might be. That is the foundation of my package.

Following the declaration of independence by Kosovo, UNMIK's ability to operate as before has come into serious question. The constitution promulgated by the Kosovo authorities came into effect on 15 June. That constitution envisages no real role for UNMIK. The powers residing with the Special Representative of the Secretary-General are sought to be assumed by the new authorities. On the other side of the ledger, the Kosovo Serb community has overwhelmingly rejected the new constitution and the new laws that are emerging from Pristina. They have expanded their boycott of Pristina institutions and, while they have agreed to continue to apply UNMIK laws, they have opposed —sometimes violently — any effort to bring them under the aegis of the new arrangements in Pristina.

All of that is contributing to a substantially changed situation in Kosovo. It is my assessment that, taken together, these developments have created a profoundly new reality in which UNMIK is no longer able to perform as effectively as in the past the vast majority of its tasks as an interim administration. That needs to be acknowledged as a fact of life.

In the light of recent developments, the report notes that I intend to adjust operational aspects of the international civil presence in Kosovo and to reconfigure the profile and structure of UNMIK. I will not repeat the details of the package here; it is more important for me to hear the reactions of participants. I will just note that a reconfigured and restructured UNMIK will continue to carry out a number of functions. These will include, significantly, functions related to the dialogue on the implementation of provisions in six areas contained in my letter to President Tadić: police, courts, customs, transport and infrastructure, boundaries and Serbian patrimony.

I consider that this dialogue, which was initiated by my Under-Secretary-General for Peacekeeping Operations and which will be carried forward by my Special Representative in close consultation with the authorities in Kosovo and with relevant stakeholders, is of crucial importance for all of Kosovo's communities. I look to the Security Council and to the broader international community to support my Special Representative's efforts in bringing forward that dialogue.

As the Security Council is aware, the European Union has expressed its readiness to perform an enhanced operational role in Kosovo in the area of the rule of law, and has put in place measures to do so. I believe that that enhanced role would be in the interests of the United Nations and of the international community as a whole.

I also note the aspiration of people of all communities in the region to live in closer association with the European family of nations. As I set out in my report, the European Union will therefore take on some increasing operational responsibilities in the areas of international policing, justice and customs in Kosovo, within a reconfigured UNMIK, within the mandate

established by resolution 1244 (1999), and under an umbrella headed by my Special Representative.

Nine years since the inception of UNMIK, the situation in Kosovo has evolved profoundly. Under the United Nations interim administration, Kosovo has made significant strides in moving beyond conflict towards peace, in creating and consolidating democratic governance institutions and in creating the foundations for a viable economy. Not everything has been achieved, but we have come a long way, and we must be sure that, with these most recent changes in the situation, we do not lose what has been gained with so much effort. We must evolve our presence to ensure that earlier achievements are safeguarded and built upon.

The task will be a difficult one. To lead this new phase of the mission, I intend to appoint Mr. Lamberto Zannier of Italy to be my Special Representative. He will help to carry forward the vision I have presented in my report and to lead a new phase of dialogue, and he will be scrupulously balanced in his approach.

The reconfiguration of UNMIK that I have presented to the Security Council aims at preserving and consolidating the achievements reached during a tumultuous period and at creating the foundations for Kosovo's further progress within the framework of resolution 1244 (1999). In doing so, my overriding objectives are to ensure Kosovo's overall stability, to protect and promote the interests of all of its communities and to maintain international peace and security in Kosovo and the broader region.

I take this opportunity to once again express my profound appreciation to the members of the Council and the leaders of the concerned parties for their valuable support and understanding in the broader interest of peace and security in the region.

The President: I thank the Secretary-General for his statement.

I now give the floor to His Excellency Mr. Boris Tadić, President of the Republic of Serbia.

President Tadić (*spoke in Serbian; English interpretation provided by the delegation*): thank you, Mr. President, for convening this meeting of the Security Council. Once again, we are gathered to discuss troubling developments in Serbia's southern province of Kosovo and Metohija, which have been caused by the unilateral declaration of independence by its Provisional Institutions of Self-Government, which took place on 17 February of this year.

It is the position of the Republic of Serbia that the unilateral declaration of independence directly contravenes the Charter of the United Nations, the Helsinki Final Act and other cornerstone documents upon which the international system has been built. Equally important is the fact that resolution 1244 (1999) clearly places a binding Chapter VII obligation on all Member States to respect the sovereignty and territorial integrity of my country.

A great majority of this Organization's 192 Member States have continued to abide by those principles and obligations. On behalf of the Republic of Serbia, allow me to express my profound appreciation to them for their commitment to the rule of international law and to state clearly my country's continued dedication to those same principles.

There is a minority that has, unfortunately, chosen to support the attempt at secession by the Kosovo Albanians. That has put at risk the consolidation of peace and stability in the Western Balkans has and set back more than a decade of hard work by this Council. It has also created an environment in which the international system as a whole is becoming more unstable, more insecure and more unpredictable. The potential damage to the founding principles of this Organization is becoming more apparent, as is the awareness that the legacy that the United Nations will pass on to the future generations will be tarnished.

The Republic of Serbia, for its part, has taken a position entirely consistent with the fact that we were a co-founder of this Organization in 1945 — one that takes seriously international law and its aim of promoting peaceful, just and consensual resolutions of disputes. That is why our National Assembly has declared the unilateral declaration of independence and all subsequent decisions stemming from it to be null and void, and that is why we have ruled out the use of force, while affirming our right to employ all diplomatic and political means to ensure that a so-called independent Kosovo does not join the world community of sovereign States.

I want to be very clear. Serbia will never recognize the independence of Kosovo. We will continue to work towards finding a legal way forward that seeks to bridge differences and to find a

compromise solution to the long-standing conflict between Serbs and Albanians.

It is in that context that I turn to a consideration of the report of the Secretary-General on the United Nations Mission in Kosovo (UNMIK) (S/2008/354) submitted to this Council and to the letter that I received from him dated 12 June 2008. The report refers to the emergence of a "new reality" (*paras. 7 and 10*) in Kosovo as a result of the unilateral declaration of independence. It also refers to the recent passage, by the provisional Assembly of our province of Kosovo, of a so-called constitution intended to implement the Ahtisaari proposal, which has not received the endorsement of this Council and therefore carries no legal weight whatsoever.

The report states that "the constitution is designed in such a way that it would effectively remove from UNMIK its current powers as an interim civil administration" (*para. 7*). That usurpation by the authorities in Pristina of the mandate this Council gave to UNMIK is deeply troubling. Equally worrisome is the fact that the report gives an impression of acquiescing to an unjustifiable violation of resolution 1244 (1999).

I am led to conclude that the report is an acknowledgment that an influential and determined minority can set aside considerations of international law in the name of appeasing an ethnic group that has been threatening violence if its demands are not met. That must not be the way forward. International peace and security can only be consolidated through dialogue, not imposition; through agreement, not compulsion; and through law, not threats.

Since the unilateral declaration of independence, the human rights record in our southern province has not improved. Internally displaced persons have not returned. Jobs have not been created. Destroyed homes belonging to Serbs have not been rebuilt. Serbian private property has not been returned. Organized crime has not been reduced. Our cultural heritage has not become more secure. In fact, since the unilateral declaration of independence, things have gotten worse. The uncomfortable yet incontrovertible truth is that the "new reality" to which the report refers has caused a further deterioration in the already unstable situation on the ground.

I will provide an example. The Special Representative of the Secretary-General, Mr. Joachim Rücker, finally agreed a few weeks ago to issue an executive decision restoring illegally seized land to its rightful owners: the thirteenth century Serbian Orthodox Decani monastery — a UNESCO World Heritage site. The unfortunate result has been the refusal of the municipal authorities of the town of Decani to restore the cadastral record as required by the executive order, which was issued under the authority of resolution 1244 (1999). United Nations officials in Decani have been assaulted after having been declared to be personae non gratae.

This illustration of the callous disregard for the rule of law and the United Nations standards that we face throughout the province is implicitly taken up in the report through its assessment that "UNMIK will no longer be able to perform effectively the vast majority of its tasks as an interim administration" (*S/2008/354, para. 17*). This can only lead us to the conclusion that the United Nations mission has not been accomplished. In other words, its mandate has not been fulfilled and its task has not been completed. Under those circumstances, the United Nations cannot, and must not, walk away.

It is therefore the position of the Republic of Serbia that the course of action proposed in the report cannot give rise to a process that leads to a compromise solution on the future status of our southern province. That is why the Republic of Serbia cannot endorse the Secretary-General's report. Until the process envisaged in resolution 1244 (1999) to determine Kosovo's future status is complete, the international community, led by the United Nations, has to retain its central role in the maintenance of peace and stability in Kosovo.

"Reconfiguration", to which both the report and the Secretary-General's letter to me refer, must be decided by the Security Council, which is the only institution endowed with the power to legitimate changes in the composition of the international presence in Kosovo, as paragraphs 5 and 19 of resolution 1244 (1999) make abundantly clear.

In addition, we agree that the six topics mentioned in both documents — police, judiciary, customs, transportation and infrastructure, boundaries, and patrimony — require pressing attention. Every day that goes by without working towards some sort of agreement on these and other issues raises the likelihood of the creation of unsustainable hopes and

dangerous, uncoordinated outcomes on the ground. My country is therefore prepared to continue engaging in dialogue with the United Nations in order to arrive at a satisfactory agreement.

Finally, I am concerned that an implicit shift in position by NATO took place in Brussels a few days ago during NATO's most recent ministerial meeting. While reaffirming its status neutrality and adherence to resolution 1244 (1999), it also announced that KFOR would undertake what it called "new tasks". I refer more specifically to NATO's intent to supervise the standing down of the Kosovo Protection Corps and to supervise and support the establishment and training of the so-called Kosovo Security Force, a new institution whose establishment has not been approved by the Security Council. This places it clearly beyond the scope of resolution 1244 (1999).

Accordingly, I must express my country's apprehension at the possibility that parts of the international community presence in Kosovo have chosen to participate in the formation and training of a quasi-military force. Such a wrong step would call into question the trust that KFOR has worked hard to attain among all the communities of our southern province, especially the Kosovo Serbs.

I would like to raise another issue with this Council. This concerns what was perhaps the final negligent act by the outgoing Special Representative of the Secretary-General, Mr. Joachim Rücker. Just a few days ago, he issued an executive decision that initiated a process by which funds totalling more than €426 million could be illegitimately transferred to the authorities in Pristina.

I want to make it abundantly clear that these funds, held in escrow by the United Nations to offset future claims by workers, mostly Kosovo Serbs, who have been laid off and Serbian companies as a result of the questionable privatization process undertaken by the Kosovo Trust Agency, are not the property of the authorities in Pristina. The United Nations must immediately take all appropriate measures to ensure that these funds remain in its possession and guarantee they continue to be available for their intended purpose. We must work together to produce a solution to this serious issue in the very near future.

I now draw attention to the fact that the Republic of Serbia held parliamentary elections on 11 May. I have a constitutional duty to guide the process of the formation of the Government, which will be united in pursuing the policy of defending the integrity of our country and will implement the clear commitment of the citizens of Serbia to move decisively forward to full membership in the European Union. It will also have the duty to complete the process of full cooperation with the International Criminal Tribunal for the former Yugoslavia at The Hague in the conviction that a stable and secure future for the entire Western Balkans lies in the European Union. The time has passed for us to be part of the problem of the Balkans: we want to be part of the solution.

I would like to stress the importance of finding a legal way forward on Kosovo, acceptable to all stakeholders and approved by the Security Council. Only such an approach can produce a sustainable outcome that will enable us fully to construct and integrate, and so to grasp the infinite opportunities that the Europe of the twenty-first century offers to all visionary crafters of a more prosperous tomorrow.

That is why I see Europe as the key to Serbia's future success. I draw strength for this fundamental conviction from the solemn words of the preamble of the Treaty of Rome: "pooling their resources to preserve and strengthen peace and liberty". That is the kind of Europe to which we are committed, and to which we — and the entire Western Balkans — will belong very soon.

Let there be no more divisions, no more discord and no more conflict. The time to strengthen peace and economic development is now.

The President: I think the President of the Republic of Serbia for his statement.

I now give the floor to His Excellency Mr. Fatmir Sejdiu.

Mr. Sejdiu (*spoke in Albanian; English interpretation provided by the speaker*): It is my pleasure to appear before the Security Council to speak of the situation in my country, the Republic of Kosovo. Over the past four months the Security Council has held regular and frequent meetings to discuss Kosovo even as other regions demand the attention of the international community. I recognize that this programme reflects the great importance that the Security Council attaches to peace and stability in South-East Europe.

As members know, a great deal has happened in my country since the beginning of this year. Kosovo's independence, declared in conformity with the recommendations of the Special Envoy of the Secretary-General, Mr. Martti Ahtisaari, has been recognized by 43 Members of the United Nations, and more countries are recognizing it every month. As a State desiring full integration into the Euro-Atlantic community, Kosovo has been particularly grateful that more than two thirds of the members of the European Union and NATO promptly recognized our new status.

Kosovo has also achieved tangible progress on the ground. As stated in our declaration of independence, the Ahtisaari plan is the guiding framework for our efforts. That document, overwhelmingly endorsed by the Assembly of Kosovo, continues to enjoy the broad support of our people. In accordance with the obligations that Kosovo assumed under the plan, the Assembly has adopted more than 40 pieces of legislation in crucial areas such as the decentralization of local government, the protection of ethnic minorities and the safeguarding of Kosovo's rich cultural heritage. A new constitution came into force in Kosovo on 15 June. It enshrines many of the provisions of the Ahtisaari plan and reflects the highest standards of human rights.

Although there have been violent challenges in Kosovo, including attacks resulting in the tragic death of a United Nations police officer, most of Kosovo has remained calm and orderly.

In short, the transition to our new status has gone well.

Today, however, the Council is meeting to discuss the future of the United Nations presence in Kosovo. As we recall, nine years ago this month, the Security Council took the extraordinary step of severing Belgrade's governance over Kosovo and placing Kosovo under a transitional United Nations administration. At that time, in that desperate year of 1999, hundreds of thousands of my fellow citizens were displaced as a result of Belgrade's ethnic cleansing. Milosevic's repression had left us without any functioning institutions.

We were therefore grateful when the United Nations came to Kosovo to help us rebuild our shattered society. With United Nations support, we developed our own democratic institutions of self-government and selected leaders through multiple rounds of free and fair elections. The United Nations oversaw the establishment of an entire system of governance: our municipalities, our ministries, our Assembly, our judiciary and our police.

In recent years, the United Nations has progressively handed governing responsibilities over to Kosovo's new institutions. Since 1999, the United Nations Interim Administration Mission in Kosovo (UNMIK) has scaled down its physical presence and personnel as the situation has improved in Kosovo. Throughout this process, the United Nations has continually taken account of circumstances in Kosovo and has adapted its presence as Kosovo's capacity to govern itself has developed.

As the Secretary-General noted in his recent report (S/2008/354), Kosovo's independence and the entry into force of our constitution have obviously created a dramatically new situation to which the United Nations must adapt once more. The people of Kosovo, therefore, appreciate the Secretary-General's initiative to reconfigure the United Nations presence in our country. We note that the Secretary-General has proposed a number of residual tasks for the United Nations presence in Kosovo, and we further understand that the United Nations will continue to perform rule of law functions for a limited duration in accordance with Security Council resolution 1244 (1999) as until such time that the European Union is able to fully perform its operational role.

I assure the Secretary-General that he will have the ongoing support and cooperation of Kosovo as he moves forward with this initiative. I have indicated this support in a letter I sent to the Secretary-General earlier this week.

The Secretary-General has also proposed dialogue to discuss possible practical arrangements to address threats to stability. We are open to this proposal and take seriously the Secretary-General's commitment to consult closely with us, as no arrangements can be valid without the participation and approval of the Government of Kosovo.

With respect to the threats to stability, we recognize that addressing the situation of our minority communities is the most essential element in preserving peace. As President, I have continually reached out to ethnic minorities, especially Kosovo Serbs, to reassure them that they have a home in Kosovo. Kosovo's current Government, which includes

representatives from minority ethnic groups is constantly seeking new ways to build a more inclusive and just State.

I am particularly concerned, however, that our neighbour, Serbia, has promoted a policy that its leaders call "functional separation of ethnic Serbs from ethnic Albanians in Kosovo". As the Secretary-General noted in his report, Serbia organized elections this spring for illegal parallel municipal governments on our territory. Serbia has also discouraged ethnic Serbs from participating in Kosovo's Government or reporting through our multi-ethnic police chain of command.

The people of Kosovo are understandably concerned about the threat to our sovereignty. We are equally concerned, however, about the message that such policies send to Serbs in Kosovo. Policies of division undermine the multi-ethnic governance that the United Nations has promoted in Kosovo since 1999. These policies do not bring lasting peace or stability, only resentment and misunderstanding. With great sadness, I recall how such policies brought trouble and tragedy to my region in the 1990s.

The Republic of Kosovo is the seventh independent State to emerge out of the non-consensual collapse of the Socialist Republic of Yugoslavia. Most of these countries gained their statehood under circumstances that were contentious, controversial and challenged. Although this history is a dark one, I believe that all seven States of the former Yugoslavia, including Serbia, have a bright and prosperous future. The United Nations role in bringing about such a future has been essential.

As the period of United Nations administration in Kosovo comes now to a close, I wish to reiterate my gratitude to the women and men of the United Nations for their work helping my country recover from war.

The people of Kosovo believe that the best way to honour this legacy is to build a peace-loving State that aspires to the highest purposes and principles of the United Nations.

The President: I thank His Excellency Mr. Fatmir Sejdiu for his statement. I shall now give the floor to those Council members who wish to make comments or ask questions in connection with the statements we have just heard.

Mr. Spatafora (Italy): Let me first express our warmest welcome to President Tadić and President Sejdiu and thank them for their statements.

I would also like to extend a warm welcome to the Secretary-General, Ban Ki-moon, to whom goes our deepest and most sincere appreciation for his efforts and good offices with the parties and the key stakeholders at a politically very delicate juncture. Italy fully supports the realistic, wise, balanced and forward-looking way forward that the Secretary-General has outlined in his so important and meaningful report (S/2008/354).

The uncertainty of recent months is to no one's benefit, least of all that of the ethnic minorities we are trying to protect, who need, more than ever, a stable environment.

Kosovo has considerably advanced on the path of stabilization and in building up its democratic institutions. Nevertheless, shortcomings still exist, and the objective of harmonious multi-ethnic coexistence has not yet been reached. An extra effort — an extra mile — to reach this goal must be made.

As the Secretary-General rightly stated in his report, "the process of full reconciliation and integration of Kosovo communities will be a long-term one" (*S/2008/354, para. 2*). The international community must remain engaged in Kosovo as long as necessary and must provide strong support in that regard.

It is encouraging to read in the report of the Secretary-General that both Pristina and Belgrade recognize the need to find a solution to continue the international civil presence in Kosovo. Additionally, Council members have confirmed their interest in adjusting the operational role of the United Nations in the light of the evolving circumstances.

Italy fully shares the Secretary-General's assessment that

> "the objectives of the United Nations would be best obtained through an enhanced operational role for the European Union in the area of the rule of law under the umbrella of the United Nations, headed by my Special Representative". (*S/2008/354, para. 13*)

The European Union is ready to play that role in Kosovo. It will complement the work of the United Nations in the maintenance of international peace and

security and make available its resources and long-standing expertise in the Balkans.

Significantly, just today, the European Council concluded as follows — I will quote just a few excerpts:

> "[T]he European Union remains committed to playing a leading role in ensuring the stability of Kosovo ... . The European Union welcomes the [United Nations Secretary-General's] report on UNMIK [the United Nations Interim Administration Mission in Kosovo] and ... his intention to reconfigure the international civil presence in Kosovo. This would facilitate the deployment of EULEX Kosovo [the European Union Rule of Law Mission in Kosovo] throughout Kosovo".

With the European Union enabled to play an enhanced role in Kosovo through the EULEX mission, within the framework of resolution 1244 (1999), it will be possible to achieve major progress in the field of minority rights with specific regard to the Serb minority in Kosovo, including protection of its religious and cultural heritage.

The European Union must develop its role in areas of the police, justice and customs. At the same time, the United Nations should redesign its role while preserving certain fundamental functions, such as that of facilitating the dialogue between Belgrade and Pristina, so that solutions may be found to pending issues.

Italy reaffirms its commitment to contributing to the international effort in Kosovo and to regional stability. We will continue to work with the United Nations to be one of the main contributors to the Kosovo Force, and we favour an enhanced role for the Organization for Security and Cooperation in Europe (OSCE). In addition, we will be one of the main participants in EULEX since we firmly believe that a stronger European Union role in Kosovo will pave the way towards the future integration of this country within the EU.

I would like to conclude by quoting Benjamin Disraeli: "Success is the child of audacity". Let all of us around this table be audacious, supporting the way forward as outlined by the Secretary-General, in order to safeguard and consolidate peace and stability and to give Kosovo, Serbia and the whole region a chance to move forward towards a more stable and prosperous future in the European Union.

Mr. Arias (Panama) (*spoke in Spanish*): First of all, I would like to thank the Secretary-General for his presence in this Chamber and recognize the importance of the report that he has just presented to us (S/2008/354). We would also like to welcome the President of Serbia, Mr. Boris Tadić, and the President of Kosovo, Mr. Fatmir Sejdiu, and to thank them for their respective statements.

Before getting into the subject at hand today, related to the future of Kosovo, I would like to highlight two subjects that are particularly important to Panama. I would like to say first that Panama would have preferred that the differences between Serbia and Kosovo had been addressed in a different way. However, Panama recognizes that it is the responsibility and the capability of the Secretary-General to implement the mandates given to him by the Security Council and, accordingly, to adjust those mandates as the circumstances on the ground continue to change. Secondly, we would emphasize the preponderant role to be played by regional organizations in the resolution of issues being dealt with by this Council.

Referring now to the substance of this issue, we cannot deny that the reality on the ground in Kosovo today is very different from the reality that existed when the Security Council approved resolution 1244 (1999) without an end date. Not only have we now witnessed Kosovo's declaration of independence and its subsequent recognition by a significant number of countries, including some members of this Council, but also, less than a week ago, with the support of the broad majority of the Kosovars, a constitution came into force which bestowed the State powers upon Kosovo and which, in addition, invites the European Union to assume a supervisory role in the establishment of the rule of law in the country.

Moreover, the European Union, as the major regional organization with respect to this issue, has played an important role in Kosovo since resolution 1244 (1999) came into force and has acted in accordance with the operative part of that document. Moreover, and due to the changing situation on the ground, the European Union has made public its intention to play a greater role in Kosovo and to progressively assume, through the European Union

Rule of Law Mission in Kosovo (EULEX Kosovo), part of the mandate that the United Nations Interim Administration Mission in Kosovo (UNMIK) has seen fit to give to it. Furthermore, the role of NATO as a guarantor of the security of Kosovo and trainer of the multi-ethnic Kosovo security force is also to be borne in mind here.

In these circumstances, we support the proposals of the Secretary-General to adapt the UNMIK format to the current reality as well as the intention of the European Union to assume, as has been deemed appropriate by the Secretary-General, part of the responsibilities of the United Nations in Kosovo.

This approach is particularly appropriate and necessary in light of the inability of the Council to reach agreement on this matter and given the open-ended nature of resolution 1244 (1999). If we do not take this step and deal with the reality of this proposal, we would be ignoring our primary mandate to ensure international peace and security. Instead, we would be prioritizing political questions of a national character.

Finally, we would like to make it clear that all executive action, be it on the part of UNMIK, EULEX or the Kosovar authorities, must guarantee the security of the whole Kosovo community, including minority communities.

Mr. Ripert (France) (*spoke in French*): First of all, I would like to thank the Secretary-General for his report (S/2008/354) and for what he has told us with regard to the future of the United Nations presence in Kosovo. I also welcome Mr. Tadić, President of the Republic of Serbia, and Mr. Sejdiu, President of the Republic of Kosovo, both of whom we listened to with great attention.

We are meeting today soon after Kosovo, on 15 June, ended a process that had begun in 1999, with the entry into force of its constitution and 41 major laws. We welcome the entry into force of these texts, which will provide the new State with a legal framework that is in conformity with European standards and values and which offers a protective framework to all communities living in Kosovo, including the Serb community.

The independence of Kosovo, which came about last 17 February, is the fruit of a long process. France, followed by the great majority of its partners in the European Union, immediately recognized the new State of Kosovo. We are aware of the diverse reactions that we have seen since the independence of Kosovo on the part of the international community. However, there is a new reality here that must be taken into account by everyone.

Apart from questions of principle with regard to status, an objective assessment shows that over the four months since independence the pessimistic scenarios predicted by some have not come to pass. On the contrary, what we see is a security situation that is generally calm and institutions that are working in a satisfactory manner within a democratic framework.

This positive development of the situation has been made possible by the international civil and military presence through its efforts to build Kosovo's institutions — over the past nine years to be sure — and through its stabilizing action on the ground during the crucial period that has just passed.

But what has been achieved is still fragile. The future of Kosovo and the region faces numerous uncertainties. In this new environment, it is essential to maintain an international presence, which will contribute to building a democratic and multi-ethnic Kosovo. In that regard, the Secretary-General has shouldered his responsibilities as entrusted to him by resolution 1244 (1999). He has acted in a spirit of transparency and dialogue while ensuring that he consulted all the stakeholders concerned at an early stage, first and foremost Pristina and Belgrade. I would especially like to thank him for the care he has taken to come here today personally to inform the Security Council about his plans for reconfiguration.

In his approach, the Secretary-General has demonstrated an irreproachable concern for impartiality as regards the mandate conferred upon him by the Security Council. The priority goals he has set — maintaining stability and security and preserving the work done by the United Nations Interim Administration Mission in Kosovo (UNMIK) over the past nine years — are beyond question.

With regard to implementing the reconfiguration of UNMIK that he has set out, the Secretary-General should be able to count on the assistance of the entire international community. I would like to assure him of the full support of France. Like all other members of the Security Council, we are determined to do everything within our power to ensure that the era that is dawning for the people of Kosovo will contribute to

the irreversible return of peace and stability in the entire Western Balkans.

UNMIK should therefore continue its mission in a new context, taking into account the necessary operational changes that must be made in order for it to best carry out the functions entrusted to it. It can count on the full cooperation of the European Union in that effort, as has just been confirmed by the European Council. The European Union Rule of Law Mission in Kosovo (EULEX Kosovo), which is currently being deployed, is in particular prepared to take on an increased operational role within the framework defined by the Secretary-General, in full conformity with international law and in the context of resolution 1244 (1999).

However, as beneficial as its influence may be, the international presence can accomplish nothing without the will of the Serb and Kosovar peoples to resolve their differences through dialogue and to preserve the possibility of a common future without recourse to violence. We are pleased to see that both the Albanian and Serb populations of Kosovo have not followed extremists on either side, with the vast majority continuing their commitment to a peaceful resolution of the differences between the communities.

Kosovo's population and authorities have shown a responsible attitude that will contribute to gradually enabling Kosovo to assume its place in the international community. Their commitment to the rule of law, their keenness to build a multi-ethnic State that respects minorities, their desire to foster friendly links with their neighbours and their pro-European commitment are all strong commitments that should of course be fully implemented. We very much appreciate the commitment of the President of Kosovo, as reiterated before the Council today by Mr. Sejdiu, to continue to cooperate closely with the United Nations to that end.

In the face of unfortunate developments, the Serb people could have given in to national passions and turned in on themselves. To the contrary, they have shown that they posses the necessary courage and clear-sightedness by twice, on 3 February and 11 May 2008, manifesting their clear support for democratic and pro-European forces.

In that regard, allow me once again to welcome the ongoing commitment of President Tadić, which has been reiterated numerous times before the Security Council, to link his country's future to a process of integration into the European Union. In our view, it is certain that Serbia will become a member of the European Union. It is their calling and our hope.

The signing, on 29 April 2008, of the Stabilization and Association Agreement was the first step on the road towards Europe. We continue to believe that Serbia's path towards the European Union, including candidate status, can be speeded up. France, which will assume the presidency of the European Union on 1 July 2008, intends to add significant momentum to that process by offering Serbia clear prospects.

In conclusion, I should like to emphasize that the European Union is fully aware of its responsibilities as it supports resolving the issue of Kosovo and helping Kosovo to overcome the obstacles in the way of stable and prosperous future for all the Western Balkans. It is in that spirit that we have deployed EULEX. It is in that spirit too that, in the months to come, we shall try to make progress in building a common future for Serbs and Kosovars in the context of the European Union.

Mr. Churkin (Russian Federation) (*spoke in Russian*): We would like to thank Secretary-General Ban Ki-moon for his report (S/2008/354) on the United Nations Interim Administration Mission in Kosovo (UNMIK). We welcome the participation in today's meeting by President Tadić of the Republic of Serbia and are grateful for his analysis. We also listened attentively to the speech delivered by Mr. Sejdiu, although it is obvious that his opinions seriously contradict provisions requiring respect for international law and, in particular, the provisions of resolution 1244 (1999).

Russia's approach to the current situation in and around Kosovo is based on the need to strictly adhere to resolution 1244 (1999) and the UNMIK mandate approved by the Security Council in that resolution. We are convinced that the unilateral declaration of Kosovo's independence and its recognition by some States runs counter to international law, especially the Charter of the United Nations, the Helsinki Final Act and resolution 1244 (1999) and other decisions of the Security Council.

As the Secretary-General clearly states in his report, resolution 1244 (1999) remains fully in force. Therefore, the Special Representative of the Secretary-

General and the United Nations mission in Kosovo, which the Special Representative heads, must carry out the functions and responsibilities entrusted to them. These include ensuring that the rights and security of national minorities are preserved and achieving in the province the democratic standards established by the international community.

We consider unlawful both the deployment without the appropriate approval of the Security Council of the so-called European Union Rule of Law Mission in Kosovo, which has already begun, and the establishment of the International Steering Group. That runs counter to resolution 1244 (1999) and the agreed principles for a resolution of the issue of Kosovo.

We are also perplexed at the behaviour of Mr. Pieter Feith, who recently said that as of 15 June the administration of Kosovo will be based on the Kosovo constitution and that the role of the main international representative in the province will belong to him. That clumsy attempt to assume for himself the functions of the main international representative in Kosovo runs counter to paragraph 6 of resolution 1244 (1999), which stipulates that that role actually belongs to the Special Representative of the Secretary-General.

We also find unacceptable any actions aimed at the transfer of functions or property from UNMIK to the European Union mission or the international civil representative, who has no legitimate status. The attempt by former UNMIK leadership to reconfigure the mission by bypassing the Security Council has done damage to the prestige of the United Nations. The activities of former Special Representative of the Secretary-General Rücker and his deputy Larry Rossin were in total contradiction with the norms of behaviour that international servants are required to adhere to in accordance with the Charter of the United Nations. Any attempt to reorganize the international civil presence in Kosovo while deliberately concealing information from the Security Council is unacceptable. We request that the Secretariat regularly provide members of the Security Council with detailed information on all aspects of UNMIK's activities.

With regard to the sad legacy left by UNMIK's former leadership, we must recall the events that took place in northern Mitrovica on 17 March this year. Those events are mentioned in paragraph 6 of the report before the Council. However, nothing is said about the results of the investigation carried out by the Secretariat at the request of at least two Members of the United Nations, namely, Serbia and Ukraine. We insist that an appropriate report be submitted to the Security Council in the nearest future.

We hope that UNMIK's new leadership will learn from what has happened and will act in an unbiased manner, as is appropriate for United Nations officials, and strictly within the framework of the mission's mandate based on resolution 1244 (1999).

The Kosovo Force acting in the province under the aegis of the United Nations must also strictly adhere to its mandate approved in resolution 1244 (1999). Any arbitrary interpretation of this mandate would be unacceptable.

We are concerned by the recent actions of the Ministers of Defence of the States members of NATO seeking to directly involve the Kosovo Force in the mission to train the so-called Kosovo security force. In general, we welcome the stabilizing role of the NATO-led Kosovo Force. At the same time, if a decision is taken that NATO should be involved in the process of training the Kosovo security force, then NATO will have stepped beyond the mandate of the international military presence as approved by the Security Council.

Having studied the report of the Secretary-General, we do not agree with everything stated there. In paragraph 5 the report states that the Kosovo Serbs, after the unilateral declaration of independence, "took measures that pose serious challenges to the role of UNMIK in Kosovo". At the same time, we do not see any assessment of the actions of the Provisional Institutions of Self-Government of Kosovo, which have openly spoken of their intention to curtail their cooperation with UNMIK. Yet, what is at stake here is the real ability of the international civil presence to fulfil the main elements of its mandate, such as maintaining law and order and preserving social and ethno-confessional peace in the province.

When there is any threat to UNMIK personnel or any attempt to block their work, we expect that the Secretary-General, together with the Kosovo Force leadership, will take the necessary steps that are provided for in resolution 1244 (1999) to ensure the safety and security of United Nations personnel and that the Secretary-General will immediately inform the Security Council of any violations of the obligations established by resolution 1244 (1999).

In the report, the Secretary-General noted the intentions of the interim Kosovo Albanian authorities to significantly violate provisions of paragraph 7 of resolution 1244 (1999). Paragraph 7 of the report reads in part:

> "the government of Kosovo has indicated that it would welcome a continued United Nations presence in Kosovo provided that it carries out only limited residual tasks".

And paragraph 9 reads in part:

> "the government of Kosovo has passed legislation that comes into force 15 June that effectively seeks to assume tasks and competencies that have been carried out by pillar IV [of UNMIK]".

Unfortunately, those violations are treated as valid in the report. Thus, in paragraph 10, reference is made to a "new reality in Kosovo", although it is the responsibility of the Secretariat leadership to ensure that Security Council decisions are implemented and to inform the Council of their violation. In fact, we have seen a serious violation of international law and the Charter of the United Nations that may have extremely negative consequences for the development of the situation in various regions of the world and, indeed, for the role of the United Nations in conflict resolution.

We would like to confirm our principled position regarding UNMIK reconfiguration. We believe that, after receiving clear approval from the parties — in particular from Belgrade — for the proposals of the Secretary-General on transforming the international civil presence in Kosovo, the Council cold promptly take the appropriate decision. Any steps to bypass the Council would be a violation of the Charter, no matter when they are taken.

To that end, we expect that the Secretary-General will be guided in his actions by the provisions of the Charter and by the existing mandate as contained in resolution 1244 (1999) and that he will refrain from any independent action not sanctioned by the Security Council to reconfigure UNMIK.

We believe that today's Council meeting does not signify the end of the Security Council's consideration of the issue of UNMIK. This discussion, in fact, is just a first step in the process of finding possible solutions to the issue by the Council. To that end, we call on the Secretary-General to continue consultations with the parties and with Council members on future UNMIK parameters.

Mr. Le Luong Minh (Viet Nam): I thank you, Mr. President, for convening this debate of the Council. I thank the Secretary-General for his participation and for his personal presentation of his report on the United Nations Mission in Kosovo (UNMIK) (S/2008/354). My delegation also welcomes the participation of His Excellency Mr. Boris Tadić, President of the Republic of Serbia, and Mr. Fatmir Sejdiu in the Council's meeting today.

The position of the Government of Viet Nam concerning the issue of Kosovo reflects our respect for the most fundamental principles of international law and the Charter of the United Nations. Our principled position remains unchanged.

My delegation has carefully studied the report of the Secretary-General. We share his view that recent events in Kosovo have posed significant challenges to the ability of UNMIK to exercise its administrative authority and that there is a pressing need for a consensual solution that preserves peace and security in Kosovo.

It is the view of my delegation that, as the legal framework for the international civil presence in Kosovo was provided for by resolution 1244 (1999) and as its format, in the form of UNMIK, was determined by the Council on the basis of the report of the Secretary-General contained in document S/1999/672, any change or reconfiguration of the international civil presence in Kosovo will require a new decision of the Council, in accordance with resolution 1244 (1999), as well as the consent of all parties concerned.

Reaffirming Viet Nam's consistent position that the sovereignty and territorial integrity of all States must be fully respected, we call upon Belgrade and Pristina to refrain from actions that would endanger peace and lead to violence or jeopardize security in Kosovo and in the region. We urge both sides to resume dialogue and negotiations aimed at achieving a comprehensive and lasting solution to the issue of Kosovo in the interest of peace, security and stability in the Balkan region and in Europe at large.

My delegation wishes to take this opportunity to commend the efforts undertaken by the Secretary-General and to encourage him, in coordination with

existing mechanisms, to engage both parties in diplomatic efforts with a view to ensuring the legitimate rights and interests of all communities in Kosovo and to facilitate the dignified return of refugees and internally displaced persons.

Allow me to conclude by reiterating Viet Nam's support for the central role of the United Nations in promoting dialogue and the reconciliation process and in maintaining peace and security in Kosovo and in the Balkans.

Mr. Grauls (Belgium) (*spoke in French*): Allow me too to welcome among us the Secretary-General, the President of the Republic of Serbia, Mr. Boris Tadić, and the President of the Republic of Kosovo, Mr. Fatmir Sedjiu.

I would like to briefly highlight three points to which my delegation attaches special importance. First, apart from the incident in which a member of the United Nations Interim Administration Mission in Kosovo (UNMIK) lost his life, the situation in Kosovo has in general remained calm, including after the declaration of independence of 17 February. In that context, we welcome the responsible attitude of the parties concerned.

Secondly, the international presence and its composition are at the heart of the most recent report of the Secretary-General (S/2008/354) and of our discussions today. Belgium appreciates the Secretary-General's efforts to adapt the United Nations presence to a reality that, as highlighted in his report, has changed radically. The proposed reconfiguration is necessary. More than that, it is in conformity with resolution 1244 (1999). It is fully within the purview of the Secretary-General. We can therefore support it. Now, it is important that this reconfiguration be implemented rapidly so that the European Union Rule of Law Mission in Kosovo can make its contribution to the establishment and reinforcement of the rule of law throughout Kosovo, which is in the interest of all of Kosovo's citizens.

For my third point, I would like to stress the words, "throughout the whole of Kosovo". In this context, Belgium has been reflecting on the creation of parallel municipal authorities in majority Serb areas and the announcement of a Serb parliament in Kosovo. This seems to run counter to the legislative framework defined by UNMIK and supported by the international community.

What has already transpired clearly shows that it is in the interests of Pristina and Belgrade to establish a good working relationship; in that respect, the letter from the Secretary-General addressed to the two parties indicates the path to follow. We call upon both parties to establish this relationship and to give it some substance, bearing in mind their future which, need we say, is solidly in Europe.

In conclusion, my delegation would like to once again repeat its satisfaction with the work accomplished by UNMIK and Special Representative Joachim Rücker over the past few years.

Mr. Kafando (Burkina Faso) (*spoke in French*): I would like to take this opportunity to welcome the presence among us today of Presidents Boris Tadić and Fatmir Sejdiu. I would also like to thank the Secretary-General for his presence and for the report (S/2008/354) which he presented to us on the future of the United Nations Mission in Kosovo (UNMIK) in Kosovo.

In its nine years of operation in Kosovo, UNMIK has helped Kosovo establish and consolidate its Provisional Institutions of Self-Government as democratic and responsible institutions, and to promote a viable economy. Nevertheless, in spite of these undeniable efforts and achievements in many areas, much remains to be done. Here, we need to see the process of reconciliation and the complete integration of the Kosovo communities. This is a major challenge.

The new situation prevailing since the declaration of independence of Kosovo is now a given fact, the principal acts of which are — and previous speakers have already recalled them — the promulgation of the constitution, which entered into force on 15 June; the wish of the Kosovar authorities for the United Nations to carry out residual and limited tasks; the willingness of the European Union to deploy personnel in the police, justice and customs spheres; and the disengagement of the European Commission with respect to financing economic reconstruction, which had been under UNMIK authority, and the decision of the authorities in Pristina to assume responsibility in this area.

It is in this new context that the debate takes place on the nature and appropriateness of the international presence in Kosovo, including on the future of UNMIK. This merits particular attention by the Security Council. It is important to arrive at a

compromise on these crucial issues so as to maintain peace and stability in Kosovo and in the region.

My delegation would like, in that regard, to thank the Secretary-General for having taken the initiative to undertake consultations with all parties with a view to proceedings, within the framework of resolution 1244 (1999), to a reconfiguration of the international presence in Kosovo. We endorse and support this approach because it allows us, inter alia, to preserve the important achievements of the United Nations and of the international community in Kosovo and to adapt their presence to the evolving situation on the ground. We invite all parties and the entire international community to cooperate with the Secretary-General within the framework of this new approach so as to ensure in Kosovo, and in the Balkans as a whole, a prosperous future in peace, good-neighbourliness and mutual understanding.

Mr. Natalegawa (Indonesia): Let me join others in thanking the Secretary-General for his briefing on his proposals and for his report on the United Nations Interim Administration Mission in Kosovo (UNMIK) (S/2008/354). We would also like to welcome Mr. Boris Tadić, President of the Republic of Serbia, and Mr. Fatmir Sejdiu and to thank them for their statements.

We have consistently underlined that the Council must always inform itself fully and build a common and shared understanding on how evolving developments impact the work and policy of the interim administrator of Kosovo, namely UNMIK. We are aware that operational adjustments and fine tuning, in response to developments and changes on the ground, are inevitable in any United Nations mission, including in Kosovo. In the case of the latter, these efforts have to be consistent with the operational framework established under resolution 1244 (1999). We appreciate, therefore, the extraordinary and thought-through efforts of the Secretary-General to employ his good offices with the parties and key stakeholders in order to identify a status-neutral solution which would address the current challenge and manage the situation effectively on the ground. Indonesia is mindful of the importance of the package of ideas communicated by the Secretary-General on UNMIK's reconfiguration — moving the region in the direction of peace and security, while ensuring the legacy and continuous role of the United Nations.

Synergy in the efforts between the United Nations and the European Union (EU) merits our support. The European Union's efforts to play a greater operational role within the status-neutral framework should be encouraged and supported, as this will provide further stability to the region. Indeed, such a role puts into effect the recently and often discussed theme of cooperation between the United Nations and regional organizations, as envisioned in Chapter VIII of the Charter. It is our view that regional organizations can provide meaningful and constructive contributions to address regional issues. This has been the case in Africa, the Americas and Asia, and it applies equally to Europe.

Elsewhere, however, synergy of efforts with the United Nations is key. For this reason, it is important to establish a clear organizational linkage between the EU office, the international civilian operation and the Office of the Special Representative of the Secretary-General. The Council in this regard needs to stay abreast of the activities of the EU and the international civil operation on the ground, as well as the regular briefings of the Special Representative of the Secretary-General and the written reports of the Secretary-General.

Once again, the two entities have to work within the framework of resolution 1244 (1999). I will share some final thoughts before I conclude. We wish to underline the fact that resolution 1244 (1999) remains in force. Dialogue and negotiation remain essential for the resolution of the question of final status. Indonesia has and continues to maintain that position. The Security Council must collectively transmit a clear and unified message to all the parties to continue to exercise restraint, and it must exercise its leadership on the issue. We believe that the Secretary-General should continue to engage all parties in the region to find a mutually acceptable solution in line with resolution 1244 (1999).

Finally, I conclude by thanking the Secretary-General and his team for their relentless efforts, and the personnel of UNMIK for their continued dedication and their pursuit of peace and security in line with Security Council resolution 1244 (1999).

Mr. Jurica (Croatia): First of all, I would like to thank the Secretary-General for presenting his report (S/2008/354). We would also like to welcome His Excellency President Boris Tadić of the Republic of

Serbia and His Excellency President Fatmir Sejdiu of the Republic of Kosovo.

On 15 June, the constitution of the Republic of Kosovo came into force. We congratulate the people of Kosovo on having adopted one of the most progressive of constitutions, one that contains the strongest internationally recognized human rights protection mechanisms and includes European best practices for multi-ethnic protection. The constitution's adoption and entry into force reaffirm Kosovo as a true country in Europe and Kosovo as a truly European country. We hope that the constitution's implementation and the adherence to its most advanced provisions will be a constant affirmation of this.

After long hardship and nine years of the United Nations Interim Administration in Kosovo (UNMIK) we wish the people of Kosovo every success in administering their own lives. We wish them stability, security and prosperity, as well as quick integration into the United Nations in due course and into other international forums and, naturally, into the Euro-Atlantic community. We have repeatedly reiterated our strong conviction that all countries of South-Eastern Europe belong to the European and Euro-Atlantic family, and we stand ready to offer them our experience and know-how as they travel their path.

However, the entry into force of the Kosovo constitution effectively removes UNMIK's powers as interim civil administration in Kosovo as of 15 June of this year, and that is the main reason that we are gathered in this Chamber today. Since 1999, the United Nations, through its UNMIK presence in Kosovo, was very successful at administering Kosovo for the benefit of its inhabitants. We would like to take this opportunity to congratulate everyone who was a part of this effort and who put energy into building something that today we can claim to be an overwhelmingly positive United Nations legacy in Kosovo. In this context, let me underline the role that the outgoing Special Representative, Joachim Rücker, played in Kosovo and to thank him for his work.

We commend the Secretary-General and the Secretariat for displaying leadership, and especially for bringing all sides together in order to find solutions, which not everyone supports fully but can live with, all in line with the United Nations status neutrality and with resolution 1244 (1999).

We applaud the Secretary-General's vision in not stopping the river of history from flowing, while addressing the major worries of those concerned. We fully support the plan he has presented in his report, within the framework of resolution 1244 (1999), which enables him to do so.

The new reality in Kosovo and its future are clear. We welcome the readiness of the United Nations to carry out its residual tasks in Kosovo and offer our support to the European Union (EU), which has expressed its readiness to play an enhanced role in the rule of law through its European Union Rule of Law Mission in Kosovo (EULEX Kosovo). The prompt and full establishment of EULEX in the entire territory of Kosovo is the best guarantee that the successful United Nations legacy in Kosovo will be preserved.

Finally, we call on the authorities both in Belgrade and in Pristina — and, even more important, all citizens of Kosovo, regardless of their ethnicity — to continue cooperating with the United Nations and the European Union in order to ensure the continued stability and security of Kosovo, neighbouring countries and the region. This is crucial if we are to see the rest of the South-Eastern Europe fully integrated into a stable and prosperous European future.

Sir John Sawers (United Kingdom): May I join others in welcoming the presence of the Secretary-General at today's debate. We are grateful that he is here at this discussion to present his intentions in person.

I also welcome President Sejdiu and congratulate him on the important progress that he and his Government have made since Kosovo's declaration of independence, especially in adopting priority legislation on the protection of minorities and enshrining it in Kosovo's new constitution, which came into force just a few days ago. There are obviously many challenges ahead for Kosovo, and the United Kingdom stands ready to support and assist President Sejdiu as part of an international effort towards stability, democracy, multi-ethnicity and prosperity in Kosovo and throughout the Balkans.

I would also like to extend a warm welcome to President Tadić. We understand the difficulty of this issue for Serbia. Our common goal is stability in Kosovo and the whole of the Balkans and to support the European perspective of Serbia and Kosovo alike. We are concerned only with dealing with the practical

realities and with creating a stable, multi-ethnic Kosovo in which all communities can live in democracy and peace.

I would like also to pay tribute to the work of the United Nations Interim Administration in Kosovo (UNMIK) since 1999. Kosovo has come a long way, and UNMIK deserves substantial credit. We would particularly like to thank and pay tribute to the Secretary-General's Special Representative, Joachim Rücker, for his tireless and principled work in testing circumstances, under criticism from certain Member States and, at times, without the full support he might have expected.

We take note of the Secretary-General's report (S/2008/354), announcing his intent to reconfigure the international civil presence in Kosovo. We recognize that the Secretary-General has had to balance a number of difficult questions since Kosovo's declaration of independence. We agree with him on the practical necessity of this reconfiguration in the light of the new reality in Kosovo and to meet the new operational requirements.

The proposed reconfiguration does not as far as we, the United Kingdom, believe it should, but we recognize that there is a range of views in the Council that the Secretary-General has sought to accommodate. And whatever the United Kingdom view — or the views of other delegations on the Council — in the absence of an agreed view of the Council, the exact disposition of UNMIK in Kosovo is the Secretary-General's decision to make, and we will respect the decisions set out in his report.

In his statement, President Tadić asked for more time for dialogue and to await a satisfactory agreement, including with Belgrade. Sadly, we have heard this before. During former President Ahtisaari's work in fulfilling resolution 1244 (1999), the Government of Serbia, under Prime Minister Koštunica, refused to engage with him or cooperate. The Serbian Government then demanded that nothing be agreed without Belgrade's agreement.

Life has moved on, and while some in Serbia have been left behind, we welcome the fact of the outcome of the latest Serbian elections. The United Nations, certainly, has to keep up with the practical realities.

President Tadić also said that paragraphs 5 and 19 of resolution 1244 (1999) make clear that only the Security Council has the power to make changes to the international presences in Kosovo. We agree that the Security Council alone can change or revoke resolution 1244 (1999), which is why it remains in force. But there is nothing in paragraphs 5 or 19 of that resolution that defines the configuration of the international presences. In any case, the configuration of the international presences has evolved and changed several times since resolution 1244 (1999) was adopted, through decisions taken by the previous Secretary-General.

Reconfiguration in Kosovo will allow the relevant regional body, the European Union (EU), to play a greater role, in accordance with the spirit of resolution 1809 (2008), unanimously adopted by the Council just two months ago. It would also free up the United Nations to take on activity elsewhere.

It is now important for the Secretary-General to provide clarity to the people of Kosovo and to implement the United Nations configuration in order for the European Union Rule of Law Mission in Kosovo and its police component to deploy over the rest of the summer, avoiding any gaps in security.

NATO has also made clear its continued readiness to contribute to the implementation of security arrangements in Kosovo. Our thanks go to the Kosovo Force for its work in ensuring peace and security there.

Mr. La Yifan (China) (*spoke in Chinese*): China would, first of all, like to thank Secretary-General Ban Ki-moon for his briefing. We appreciate his efforts to safeguard peace and stability in Kosovo and in the Balkans. We have also listened attentively to the statements made by His Excellency Mr. Boris Tadić, President of Serbia, and Mr. Fatmir Sejdiu.

The overall situation in Kosovo has been stable in the past four years, but it remains tense and sensitive. That fragile situation affects the peace and stability of the Balkans and Europe as a whole. China hopes that all parties will view the relevant issues from a broader and longer-term perspective, and avoid any statements and actions that could lead to tension and endanger the peace and stability of the region.

China has always maintained that all parties should adhere to the purposes and principles of the Charter of the United Nations and the resolutions of the

Security Council and respect the sovereignty and territorial integrity of all countries. Likewise, China has always maintained that a final resolution of the status of Kosovo should be a settlement acceptable to both sides reached through negotiations. We support further efforts to find a proper solution for Kosovo's status through negotiations.

Nine years ago, the Security Council adopted resolution 1244 (1999), which has become the legal basis for settling the issue of Kosovo. Since that time, Kosovo has indeed experienced many changes; but the basis for the implementation of resolution 1244 (1999) has not changed.

Moreover, China has taken note of the observations of the Secretary-General contained in paragraph 17 of his report (S/2008/354), namely, that events in Kosovo have had, and will continue to have, a significant operational impact on the functioning of the United Nations Interim Administration Mission in Kosovo (UNMIK) and that, after 15 June, UNMIK will no longer be able to perform effectively the vast majority of its tasks as an interim administration.

We attach great importance to the Secretary-General's proposal regarding UNMIK's reconfiguration. We believe that the Secretary-General should continue to maintain close communications with the relevant parties concerned in order that the reconfiguration plan will be more reliable and feasible and focused on a proper solution to the question of Kosovo.

We understand and encourage the intention of the European Union (EU) to enhance its role in the Western Balkans. We hope that the EU will play a positive role in the framework of resolution 1244 (1999), support the work of UNMIK and, together with the United Nations, maintain the peace and stability of the region.

Mr. Weisleder (Costa Rica) (*spoke in Spanish*): We are very grateful to you, Mr. President, for convening this very important meeting. We welcome the Secretary-General and would like to thank him for his presence here today and for the report (S/2008/354) he has provided to us. We would also like to welcome His Excellency Mr. Boris Tadić, President of Serbia, and Mr. Fatmir Sejdiu, President of Kosovo.

The Secretary-General's efforts to preserve peace in Kosovo and in the region in general are very commendable. We encourage him to continue those efforts. It also seems to us to be of the utmost importance to do everything possible to protect the human rights of all the minority inhabitants living together in Kosovo. We would like to ask the Secretary-General to focus in particular on the efforts needed to bring about the return of displaced persons and the normalization of their living conditions.

We also support the Secretary-General's proposal for the reconfiguration of the United Nations Interim Administration Mission in Kosovo (UNMIK) in the context of resolution 1244 (1999) and the powers it confers and the limits it places on him. Like other delegations, we too are of the view that the resolution continues to be in force and that it should continue to be the framework within which UNMIK and the United Nations operate in Kosovo until the Council adopts a different resolution. We believe that it is within the power of the Secretary-General to propose the reconfiguration he has made, which is now being implemented.

We would like to thank the European Union for its readiness to assume additional tasks and responsibilities in Kosovo. That should always be done within the framework of resolution 1244 (1999) and, as stated in the report of the Secretary-General, in coordination with the United Nations and under the leadership of the Special Representative of the Secretary-General in Kosovo.

Finally, it is appropriate to call upon all the communities that live together in Kosovo to make their contribution to maintaining calm and to work together constructively towards ending the conflict in the framework of a political process. As in previous occasions, Costa Rica hopes that the past, which has unfortunately been very painful for the region, can be overcome through a future of well-being, peace and tranquillity for the peoples of Kosovo and the Balkans in general.

The President: I shall now make a statement in my capacity as the representative of the United States.

I would like to welcome — this time in my national capacity — the Secretary-General and Presidents Tadić and Sejdiu.

I have to empathize with your predicament, Mr. Secretary-General. I feel your pain. You have heard opposition from some members to your reconfiguration

plan. Most members have endorsed your plan. Faced with the dramatic developments in Kosovo that you have described and a Security Council that has been unable to react to those developments, I understand that you had to act. I understand further that resolution 1244 (1999) gives you that discretion. Just as resolution 1244 (1999) was the basis for your predecessor's creation of the United Nations Interim Administration Mission in Kosovo (UNMIK), it is the basis for your reconfiguration of UNMIK to ensure that the United Nations presence in Kosovo remains relevant and on top of such dramatic changes on the ground.

Against that backdrop, the United States appreciates the report of the Secretary-General (S/2008/354) on the reconfiguration of the United Nations presence in Kosovo. The issue before us is whether the United Nations presence in Kosovo should remain static and incapable of evolving to deal with the reality on the ground, or whether it should adapt and adjust appropriately to recent events and remain relevant. I would like to make four points in response to the Secretary-General's report.

First, the United States believes that the Secretary-General has discretion to reconfigure UNMIK. We support the initiative he has taken to do so. As I will describe in a moment, the United States has some concerns about that initiative; but, on balance, that initiative may prove to be the most practical way forward.

The Secretary-General's conclusion that the United Nations must adapt to the evolving situation on the ground should surprise no one. As far back as 2005, the then United Nations envoy Kai Eide reported that the Organization's leverage in Kosovo was declining and that new international actors, in particular the European Union (EU), would need to play a leading international role. The United Nations administered Kosovo for nine years, much longer than anyone imagined when the Council adopted resolution 1244 (1999) in June 1999. As the years have passed, the Secretary-General has continually adjusted the United Nations presence in Kosovo and its relationship to other international organizations. The fact that Kosovo's democratic and multi-ethnic Government is now ready to govern is a testament to the success of the United Nations in institution-building.

The Secretary-General's continued cooperation with international organizations, particularly the European Union, will ensure that there is appropriate oversight by the international community and that Kosovo continues its progress in building a more stable society.

My second point is that the United States finds certain elements in the Secretary-General's report to be troubling. The Secretary-General has proposed a new round of United Nations dialogue with Belgrade to discuss institutional arrangements within the State of Kosovo. We believe that such dialogue should always be encouraged, particularly if United Nations officials can facilitate the support of the Government in Belgrade for multi-ethnic institutions in Kosovo. Nonetheless, any institutional arrangement for Kosovo must be discussed with and agreed to by the Government in Pristina. This dialogue must be transparent with regard to both its agenda and its objectives and must be thoroughly coordinated with the major international stakeholders who will assume responsibility for security and stability in Kosovo.

We understand the concern of President Tadić for Kosovo Serbs, who of course remain Serb citizens within Kosovo. I hope that it is that concern that motivates him to engage in this dialogue on Kosovo's institutions rather than a desire to undo or undermine their reconfiguration.

I also note with concern language in the Secretary-General's report that could be construed as proposing a more robust and long-term United Nations role in Kosovo than is warranted. Our view is that the Secretary-General should have acknowledged more explicitly that the United Nations can no longer play such a major role in Kosovo under the present circumstances.

Thirdly, I would note that the Council should be encouraged by the rapid progress that Kosovo has achieved since independence. That progress justifies the Secretary-General's decision to reconfigure the United Nations presence. We are pleased to see that Kosovo's transition to independence has gone more smoothly than some sceptics had expected. Kosovo's multi-ethnic Government has enthusiastically begun to implement the minority rights framework proposed by former United Nations Special Envoy Martti Ahtisaari. The Kosovo Assembly has adopted key laws to implement the Ahtisaari plan in areas such as decentralization of local government and protection of cultural heritage and the rights of ethnic communities

and their members. Kosovo's new constitution meets the highest international human rights standards and incorporates rights and protections contemplated in the Ahtisaari plan.

Nevertheless, serious problems remain, and Kosovo has much work to do to fight corruption, implement market reforms and build better institutions. But the political maturity shown by President Sedjiu and other Kosovar leaders, particularly through their words and actions to reach out to Kosovo's minorities, demonstrates that Kosovo has a bright future.

My fourth and final point is that Belgrade's efforts to promote ethnic separation in Kosovo threaten to reverse the progress that the United Nations and the people of Kosovo have achieved. The Secretary-General's report correctly notes that Serbia will continue to have a relationship with Kosovo Serbs. Indeed, the Ahtisaari plan provided for that relationship to continue and proposed a transparent mechanism for Belgrade to support Kosovo Serb communities. But Belgrade has openly decided to use that relationship to discourage Kosovo Serbs from cooperating or even talking with their Kosovo Albanian neighbours.

On 22 March, Serbia's Minister for Kosovo publicly characterized Belgrade's plan as the functional division of Serbs and Kosovo Albanians in Kosovo. To implement that plan, Belgrade sponsored parallel municipal elections in Kosovo, which the United Nations correctly declared illegal and contrary to resolution 1244 (1999). Belgrade also pressured Serbs to withdraw from Kosovo's multi-ethnic institutions, which were established under United Nations auspices. Belgrade is now supporting a Serb parliamentary assembly in Kosovo in an attempt to solidify parallel institutions. Belgrade has also tried to extend indirect control over northern Kosovo, where Serb-instigated violence resulted in the death of a United Nations police officer in March.

Such policies of ethnic partition and separation run contrary to the principles of the United Nations Charter and threaten to undermine nine years of efforts by the international community to promote multi-ethnic governance in Kosovo. The United States has long believed that Serbia, a great nation and a regional leader, has a bright and prosperous future in Euro-Atlantic institutions. We therefore encourage Belgrade's new Government to encourage Kosovo Serbs to participate in multi-ethnic institutions in Kosovo.

In conclusion, as the period of United Nations administration over Kosovo comes to a close, we look forward to working with the Secretary-General to protect the positive legacy of the United Nations of peace and democracy in Kosovo. I want to end by congratulating the new Special Representative of the Secretary-General, Mr. Zannier, and to thank Mr. Rücker and all the men and women who work with him for their service in Kosovo.

I now resume my function as President of the Council.

The President of the Republic of Serbia, His Excellency Mr. Boris Tadić, has asked to make a statement, and I give him the floor.

President Tadić: Thank you, Mr. President, for giving me the opportunity to comment, at the end of this meeting, on the reactions to my statement and the statements by Mr. Sedjiu and the Secretary-General.

First of all, there are no multi-ethnic institutions in Kosovo and Metohija, even today. There are only a few Serbs who participate in those institutions, and if the question is, who is supporting those Serbs, I answer that it is only the members of the Albanian Government in Kosovo and Metohija. Belgrade is not preventing Serbs from participating in those institutions. There is no confidence in them because of the lack of results they have achieved. If the question is how many Serbs have returned to their homes after the adoption of the Kosovo constitution and the declaration of independence, my answer is crystal clear: none. If the expectation is that some Serbs will return to their own homes in the period ahead of us under these circumstances, that is not a realistic expectation.

I would like to see progress, and I am going to do everything in my power to establish the circumstances in which Serbs will return to their own homes. But the problem comes from Kosovo, its municipal institutions and its central Government. Belgrade is not the problem. Belgrade is the seat of Serbia's legitimate democracy today. We are participating in the negotiation process, and we have always been doing so since its beginning. Even though we have done so, the Kosovo Albanian delegation has avoided talking with the Belgrade delegation about the future status of Kosovo, saying only a few words about our bilateral relations after Kosovo's independence. That is not democracy. That is not a dialogue between two sides.

As I say, Belgrade is going to do everything possible in terms of improving the situation and ensuring the respect of human rights and better circumstances for all citizens of Serbia, including Kosovo. After the unilateral declaration of independence and after the adoption of the so-called constitution of Kosovo, Belgrade did not cut Kosovo off in terms of its economy, transportation and communications.

Belgrade did not act violently against Kosovo and Metohija. Belgrade is trying to do everything stipulated by the United Nations in terms of providing stability and security in Kosovo. If Mr. Sejdiu is saying that Serbia's current policy is sending our region back to the 1990s, I totally disagree. We are not making war; we are not threatening; we are trying to achieve a compromise solution. At the same time, we are respecting international law.

But this is not only about international law. If a unilateral declaration of independence and so-called Kosovo independence are going to happen, it is a problem not only for our region and my country, but also for other regions with similar problems. The Council knows that I speak the truth. This is a very dangerous precedent in terms of the stability of other regions all around the world — on all continents — with very similar problems. I ask Council members what the next case will be in the Security Council of the United Nations — it will be one very similar to the case of Kosovo.

When the Secretary-General says that this is the most complicated problem of his career, I believe him. This is indeed one of the most complicated problems in your career, Mr. Secretary-General. When Mr. Khalilzad, the Permanent Representative of the United States, says that he feels the Secretary-General's pain, I expect that Mr. Khalilzad will feel my pain as well.

I am the President of Serbia. Serbia is a legitimate democracy — a European country with a European culture which is defending its legitimate interests in a normal way: by using diplomatic tools, not by making war. We expect that our legitimate interests will be respected, not only with regard to our European future, which is not in question, but also with regard to our integrity and sovereignty. We are a normal and legitimate democracy — a European State — with our own sovereignty and integrity.

The President: I thank the President of the Republic of Serbia for his statement. Mr. Fatmir Sejdiu has asked for the floor, and I call on him now.

Mr. Sejdiu (*spoke in Albanian; English interpretation provided by the speaker*): I would like once more to emphasize that we have high regard for the Secretary-General's initiative to reconfigure the United Nations presence in Kosovo, that is, the United Nations Mission in Kosovo (UNMIK), taking into account the common need for a limited engagement, until the European Union Rule of Law Mission in Kosovo is ready to assume responsibilities.

We have said before, and we re-emphasize, that we are fully committed to coordination and cooperation in order to successfully conclude the great story of the international community's investment for peace and stability in Kosovo. In this regard, I would like to say that we are committed, and I personally am committed, as President of the Republic of Kosovo — not as representative of the Albanians in Kosovo, but as the representative of the people and institutions of the Republic of Kosovo — to fully put into practice and implement the plan put forward by the Secretary-General's Special Envoy, Mr. Ahtisaari. Our commitment is to shoulder direct responsibility for the work of Kosovo's institutions.

On the day that the constitution of the Republic of Kosovo entered into force, I signed 41 laws, most of them referring to the main provisions of the Ahtisaari plan and related as well to safeguarding the interests of the minority communities.

We take this opportunity to recall that the Secretary-General spoke positively about the precise moment of Kosovo's declaration of independence and the entire period since then. Some representatives of Member States said that by its declaration of independence Kosovo was threatened and the United Nations was threatened. They also predicted that there would be a large-scale exodus from Kosovo and that bad things would happen. Just the opposite has occurred. We have shown our genuine commitment, taking a serious and mature approach. All developments in Kosovo should be treated as joint developments, which will lead to an objective perspective.

Despite this, I would like to emphasize again that, as is well known, there have been attempts on the part of Serbia to maintain tension with respect to developments in Kosovo. For example, two border

crossing points were set on fire on the day of Kosovo's declaration of independence and subsequent events included the wounding of police officers from the United Nations Mission in Kosovo (UNMIK) and the death of a police officer from the Kosovo Force. I personally visited the scene of these attacks to be with the victims and to hear their concerns following their stressful experiences.

I take this opportunity to again urge the Republic of Serbia to allow the Serbs in Kosovo to live with the reality, to allow the Serbs in Kosovo to live with the reality, to allow Kosovo to become independent, prosperous and deeply committed to the integration processes within the Euro-Atlantic structures.

We therefore highly regard the special role that the United Nations, the European Union and NATO have played in Kosovo during these times, with respect to the process that we have gone through. We also express the readiness of the Kosovo institutions to responsibly continue their work in cooperation with the international presences in Kosovo, leading to a conclusion of their operations in Kosovo on the basis of principles that we have affirmed and will support in order to move forward.

The President: I thank Mr. Sejdiu for his statement.

Before adjourning the meeting, I would like to give the floor to the Secretary-General to make a further statement.

The Secretary-General: This has been a serious challenge for all of us. I am quite sure that everyone must have experienced pain. In that regard, I appreciate the pain felt by Their Excellencies Presidents Tadić and Sejdiu. Now, turning to our mission, my overriding priority and concern is how to bring peace and security and maintain this peace and security in the region. That is what I am going to do as Secretary-General, and I need the support, cooperation and sympathetic understanding of participants in order to do it. This is part of a broad mandate which is given to me by the Charter of the United Nations and by resolution 1244 (1999), which Security Council members adopted in 1999.

I have shared with the Security Council my assessment of the situation in Kosovo and have described my intensive efforts, with the sides and key stakeholders, to reach a compromise solution. These efforts have resulted in an idea for the international civil presence, which is before the Council today. This package is a practical and workable solution, a concrete and sustainable response to a complex and difficult situation. It is founded on the imperative, overriding need, as I have said, to maintain international peace and security and stability in Kosovo and the region, while responding and adapting to changing circumstances on the ground.

The package furthers the objectives of the United Nations in Kosovo. Its aim is to consolidate the significant achievements of nine years of interim administration. It takes into account the profoundly changed reality in Kosovo, while also addressing areas of concern for Serbia and for Kosovo's minority communities.

The package is strictly status neutral and is fully within the framework of Security Council resolution 1244 (1999), which remains the legal framework for UNMIK until and unless the Security Council decides otherwise. It recognizes the importance of an enhanced role for the European Union in Kosovo as part of the European Union's efforts to promote progress and stability in the Western Balkans.

While no solution is ideal, this package is, I am convinced, the result of an effort at compromise and has benefited from extensive consultations. It is supported by all my senior advisers, who have worked tirelessly and intensively with me in its development. It is, therefore, the view of the United Nations that this package constitutes the best possible way forward to manage the situation in Kosovo. Today's meeting has provided the Security Council with an important opportunity to consider the package.

Finally, the Secretariat and I myself as Secretary-General, are ready to brief the Council on operational developments in Kosovo and to share with it the challenges on which our mission has been focusing, including the one related to Mitrovica, referred to by the representative of Russia.

The President: I thank the Secretary-General for his statement.

There are no further speakers inscribed on my list. The Security Council has thus concluded the present stage of its consideration of the item on its agenda.

The meeting rose at 12.20 p.m.